

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 12-410 (JHR)  
 : Crim. No. 06-829 (JHR)  
 vs. : Hon. Joseph H. Rodriguez  
  
 RICHARD ALLEN BANKS : DETENTION ORDER

This matter having been opened upon the application of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (Matthew T. Smith, appearing), in the presence of the Defendant, Richard Allen Banks, and counsel for the Defendant (Lori Koch, Esq.), for an order pursuant to Title 18, United States Code, Section 3143(a)(1) to detain defendant Richard Allen Banks without bail pending sentencing in Crim. No. 12-410 (JHR) and to revoke bail set on May 24, 2011 by U.S. Magistrate Judge Karen M. Williams in Crim. No. 06-829, and, on June 11, 2012, the defendant having been pleaded guilty to a one-count Information charging him with conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349; and the Court having held a hearing on the United States' application to revoke bail on June 12, 2012; and the Court having considered the arguments of the United States and the Defendant; and for good cause shown,

IT IS THE FINDING OF THE COURT:

1. Under 18 U.S.C. § 3143(a), a judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence be detained

unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under Section 3142(b) or (c).

2. The United States has argued that the defendant, Richard Allen Banks, is a likely to flee and is a danger to the community.

3. After considering, (a) the nature and potential punishment for the crime of conviction, (b) the Defendant's prior criminal history; and (c) the Defendant's history while on supervised or pre-trial release (including the fact that the Defendant impermissibly removed his electronic monitoring bracelet while on pre-trial release on or about June 2, 2007), the Court does not find by clear and convincing evidence that the defendant, Richard Allen Banks, is not likely to flee or does not pose a danger to the safety of any other person or the community, if released.

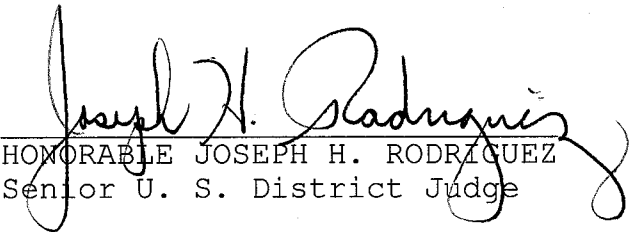
IT IS, therefore, on this 12<sup>th</sup> day of June, 2012,

ORDERED, that, for the reasons expressed on the record at the bail hearing on June 12, 2012 and herein, pursuant to Title 18, United States Code, Section 3143(a)(1), that the application of the United States for an order detaining the Defendant Richard Allen Banks: (a) pending sentencing and execution of sentence on Crim. No. 12-410 (JHR); and (b) pending

a hearing on the violation of supervised release in Crim. No. 06-829 (JHR), is granted and that the Defendant, Richard Allen Banks, be committed to the custody of the Attorney General or his authorized representative pending sentencing and execution of sentence in Crim. No. 12-410 (JHR) and the hearing on the violation of supervised release in Crim. No. 06-829 (JHR); and it is

FURTHER ORDERED that, for the reasons expressed on the record at the bail hearing on June 12, 2012 and herein, this order of detention (as to both Crim. No. 12-410 (JHR) and Crim. No. 06-829 (JHR)), is without prejudice to the Defendant seeking reconsideration of this order for humanitarian reasons should the Defendant's physical or medical condition worsen and/or should his medical condition described at the June 12, 2012 bond hearing, prove to be cancer.

At Camden, New Jersey

  
HONORABLE JOSEPH H. RODRIGUEZ  
Senior U. S. District Judge